

Resolution No: 15-971
Introduced: April 26, 2005
Adopted: April 26, 2005

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Remedial Map Amendment Application G-835 Amendment to the Zoning Map, County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located within Montgomery County, Opinion and Resolution on Application

OPINION

Remedial Map Amendment Application (G-835) was filed December 29, 2004 by Fall Creek LLC, an affiliate of Ruppert Nurseries, to reclassify a 2.5 acre parcel from the existing Country Inn zone to the Rural Density Transfer (RDT) zone. The property is located at 23061 Laytonsville Road, south of Hawkins Creamery Road, in Laytonsville. The remedial map amendment process allows a property owner to apply for reclassification of a property in the Country Inn zone to the zone for the property established by the last comprehensive rezoning.

The property subject of the application was reclassified from the RDT zone to the Country Inn zone in 1985, pursuant to Local Map Amendment Application G-480 (Resolution 10-1662, adopted December 17, 1985). The Country Inn zone designation of the property was intended by the property owner to allow restoration and conversion of an existing structure on the property to a country inn.

Use of the property for a country inn would require a substantial septic disposal system due to the unavailability of public sewer in the area. The required septic disposal system would by necessity extend onto the adjacent land classified in the RDT zone. A septic field on RDT zoned land serving an adjacent commercial use is not permitted under the Zoning Ordinance.

The Montgomery County Planning Board in its report to the Council recommended that Remedial Map Amendment Application G-835 be approved. The Remedial Map Amendment was supported by the Board and Technical Staff on the grounds that reclassification of the property from the Country Inn zone to the RDT zone is consistent with the General Plan, the Master Plan for Preservation of Agriculture and Rural Open Space, the property meets the

development standards of the Rural Density Transfer Zone, and that the application complies with standards for reclassification.

Remedial Map Amendment application G-835 was the subject of a public hearing held by the District Council on March 8, 2005. The remedial map amendment and the recommendations of the Planning Board were carefully considered by the District Council at a meeting held on April 26, 2005.

The District Council finds that the facts and circumstances established in the case justify reclassification of the property from the Country Inn zone to the RDT zone. The District Council finds that the following criteria required for reclassification under the remedial map amendment process apply to the property under application: (1) due to circumstances that are unique to the property and that are not self-create, the property owner cannot use the property to develop a country inn; (2) the zoning classification established by the last comprehensive rezoning is consistent with the General Plan for the Physical Development of the District, including land use and zoning recommendations contained in any master or functional plan; and (3) the property meets the development standards of the zoning classification established for the property in the last comprehensive rezoning.

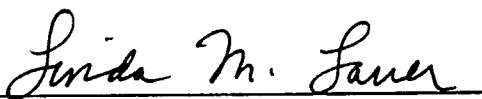
For these reasons and because to grant this application will aid in the accomplishment of a coordinated, comprehensive adjusted and systematic development of the Maryland-Washington Regional District, this application will be GRANTED, as filed.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Application No.G-835, filed by Fall Creek LLC, an affiliate of Ruppert Nurseries, to reclassify a 2.5 acre parcel located at 23061 Laytonsville Road, south of Hawkins Creamery Road, in Laytonsville from the existing Country Inn zone to the Rural Density Transfer (RDT) zone is approved as filed.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council